

MINUTES
BOARD OF APPEALS
Monday, October 19, 2015
City Hall, Room 604
5:30 p.m.

MEMBERS PRESENT: Don Carlson – Chair, Greg Babcock- Vice-Chair, and Thomas Hoy

MEMBERS EXCUSED: Rob Marx

OTHERS PRESENT: Paul Neumeyer, Tom Schuurmans, Charles Arcand, and Kylei Winans

D. Carlson called the meeting to order and asked the Board if anyone needed to abstain from voting. All stated no. He then asked if any members had gone out to the properties. G. Babcock and T. Hoy stated they went to all three properties. He asked if any members had spoken to anyone regarding the variance requests. All stated no.

APPROVAL OF MINUTES:

Approval of the September 21, 2015, minutes of the Board of Appeals.

A motion was made by T. Hoy and seconded by G. Babcock to approve the September 21, 2015, minutes of the Board of Appeals. Motion carried. (3-0)

NEW BUSINESS:

1. Lawrence & Darlene Schuurmans, property owners, propose to widen an existing driveway located in a Low Density Residential (R1) District at 823 Marshall Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709, setbacks for parking areas.

Tom Schuurmans – 1500 Traeger Street: T. Schuurmans is the brother of Larry Schuurmans, property owner of 823 Marshall Avenue. The current driveway is very narrow and has a 9 ½ ft. driveway opening. The property owner is proposing to widen the driveway. When a vehicle is parked next to the side door, which is used as the main entrance, you either have to exit onto the dirt or pull your side mirrors in so you can get to the side door. Due to the reconstruction of the street, the apron would be replaced and lined up to the previous width. T. Schuurmans stated that his brother wants to reconstruct the drive way. The property owner would to be within 1 ft. of the property line at 817 Marshall Avenue. He proposes to widen the driveway to 14 ft. in front of the house and 10 ft. from that point to the back edge of the house.

D. Carlson asked where the garage was located. T. Schuurmans stated that it is in the back with an alley access. The driveway is for access to the side door and parking, it does not go to the garage. D. Carlson then asked P. Neumeyer what the minimum width of a driveway. P. Neumeyer stated no less than 9 ft.

G. Babcock asked if the work was already complete. T. Schuurmans stated yes, because the street was being reconstructed and the apron work was done today. G. Babcock asked if he knew that a variance was needed, and why a variance was not sought out first. T. Schuurmans stated he gave some information to his brother and informed him that he needed a variance. However, when the construction started and a contractor said he could do the work, he had it

done. His brother was originally going to either wait until next spring when the construction was done or he was going to do it before the construction began.

A conversation ensued between Board members. D. Carlson stated he is bothered by the fact there is not a garage and that the driveway could be considered extra compared to the access in the back. T. Hoy stated the driveway is narrow and when exiting the vehicle you would either be standing in dirt/mud or have to pull in the mirrors to gain access to the side door. G. Babcock did agree, but does not like the fact that people are doing the improvements first and then requesting a variance.

A motion was made by G. Babcock and seconded by T. Hoy to grant the variance as requested. Motion carried. (3-0)

2. Charles Arcand, property owner, proposes to add a carport to an existing garage in a Low Density Residential (R1) District, located at 1159 Dousman Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, rear yard setback.

Charles Arcand – 1159 Dousman: C. Arcand stated that have two vehicles and would like extra shelter for their second car from the snow and elements. He gave a brief description of materials and plans for the carport. He did talk to his neighbors and they did not have an issue with the carport being built. He also stated that the slab already exists and has been there since the house was built. He does not see any reason or interference that would not allow for the carport to be built.

D. Carlson stated the only issue he has is that they have not seen any plans or drawings of what the carport will look like. C. Arcand then explained where the carport would be placed and it will consist of uprights and a roof, no sides, and have it attached to the existing garage. G. Babcock asked if the existing garage was a one car garage and if they have two vehicles. He stated that was correct.

A conversation then ensued between Board members. T. Hoy stated this is an easy fix for a small area as there is nowhere else he can go. D. Carlson asked P. Neumeyer if the issue was the rear yard setback. P. Neumeyer stated that was correct and that the rear yard setback is 25 ft.

A motion was made by T. Hoy and seconded by G. Babcock to grant the variance as requested. Motion carried. (3-0)

3. Dmitri & Kylei Winans, property owners, propose to retain an existing expanded portion of their driveway located in a Low Density Residential (R1) District at 1255 North Locust Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709, setbacks for parking areas.

Kylei Winans – 1255 North Locust Street: K. Winans stated there was a complaint filed on their property because her husband's truck tore the grass up because of where his truck was parked. She has since replaced the grass that has been torn up, however, the existing slab is 5 ½ in. from the property line.

D. Carlson asked if they were going to do any new construction or add any more concrete. She stated no and that the slab was originally poured between 2003 and 2005 by the previous home owner. They had no idea that the slab was illegal or not up to code. G. Babcock asked if this

information was disclosed in the condition report when they purchased the home. She stated that it was not and provided a copy of the condition report.

P. Neumeyer stated that since the slab is that close to the lot line that maybe a physical separation should be added, like a fence or blocks, to make sure they are not encroaching on the adjoining property.

A conversation then ensued between Board members. It was noted that the property line comes in at an angle, which narrows towards the back of the slab. D. Carlson mentioned granting the variance up to the property line so no other complaints come in from the neighbor and pave it up to the property line. G. Babcock asked if she would have to pave it to the property line. D. Carlson stated that they could condition it in such a way that she put something there to make sure the grass does not get torn up again. G. Babcock then suggested that they grant the variance up to the property line, to include either paving it to the property line or require a privacy fence. If she wishes not to pave to the property line, there will be a physical separation there to avoid any encroachment.

A motion was made by G. Babcock and seconded by T. Hoy to grant a variance up to the property line with no further paving required and a privacy fence placed along the paved area behind the front setback. Motion carried. (3-0)

A motion was made by T. Hoy and seconded by G. Babcock to adjourn the meeting at 6:00 pm. Motion carried.

Meeting adjourned.